

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Litchfield Public Schools Independent School)
District No. 465)
Litchfield, Minnesota)
Federal-State Joint Board on)
Universal Service)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)



File No. SLD-266390

CC Docket No. 96-45✓

CC Docket No. 97-21

ORDER

Adopted: November 8, 2002

Released: November 12, 2002

By the Telecommunications Access Policy Division. Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division is a Request for Review filed by Litchfield Public Schools Independent School District No. 465 (Litchfield), Litchfield, Minnesota.¹ Litchfield seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).² In its decision, SLD rejected Litchfield's Funding Year 2001 application for discounts under the schools and libraries universal service mechanism for failure to satisfy SLD's minimum processing standards.³ For the reasons set forth below, we grant the Request for Review and remand to SLD for further review.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for

¹ Letter from Todd Swanson, Litchfield Public Schools Independent School District No. 465, to Federal Communications Commission, filed July 5, 2001 (Request for Review).

² Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

In prior years, Funding Year 2001 was referred to as Funding Year 4. Funding priorities are now described by the year in which the funding period starts. Thus the funding period that began on July 1, 1999 and ended on June 30, 2000, previously known as Funding Year 2, is now called Funding Year 1999. The funding period that begins on July 1, 2001 and ends on June 30, 2002 is now known as Funding Year 2001, and so on.

corrected page constituted a new application submitted after the close of the filing window." Litchfield then filed the pending Request for Review, arguing that the rejection of its application for failure to enter the state abbreviation is too harsh."

5. We grant the Request for Review. In *Asociacion de Educacion Privada*, the Bureau found that an application was improperly rejected where the applicant, in filling out the Billed Entity address, failed to specify the city name.¹⁴ It stated that, "[g]iven all of the other information relating to the address of the billed entity in the application, . . . SLD could have determined the city name of the billed entity." We find that the state abbreviation, the only information omitted from Litchfield's application, could similarly have been determined from other information relating to the address of the billed entity in the application such as the zip-code. As a result, we conclude that, as in *Asociacion de Educacion Privada*, the omission of the state abbreviation should not have prevented SLD from data entering Litchfield's application. We note that, under current minimum processing standards for Block 1, applicants are required only to include (1) the name of the Billed Entity or the Entity Number; (2) the Funding Year; and (3) the Contact Person Name.¹⁶

6. Accordingly, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Litchfield Public Schools Independent School District No. 465, Litchfield, Minnesota, on July 11, 2001 IS GRANTED and this application is REMANDED for further review consistent with this order.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

¹² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Todd Swanson, Litchfield Public School, ISD #465, dated June 18, 2001, at 1-2.

¹³ Request for Review, at 1

¹⁴ *Request for Review by Asociacion de Educacion Privada, Federal-State Joint Board on Universal service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-265532, CC Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 17712 (Com. Car. Bur. 2001) (*Asociacion de Educacion Privada*).

¹⁵ *Id.*, para. 6

¹⁶ *Minimum Processing Standards*

discounts for eligible telecommunications services, Internet access, and internal connections.⁴ The Commission's rules require that the applicant make a bona fide request for services by filing with the Administrator an FCC Form 470,⁵ which is posted to the Administrator's website for all potential competing service providers to review.⁶ After the FCC Form 470 is posted, the applicant must wait at least 28 days before entering an agreement for services and submitting an FCC Form 471, which requests support for eligible services.⁷ SLD reviews the FCC Forms 471 that it receives and issues funding commitment decisions in accordance with the Commission's rules.

3. Every funding year, SLD establishes and notifies applicants of a "minimum processing standard" to facilitate the efficient review of the thousands of applications requesting funding.⁸ When an applicant submits an FCC Form 471 that omits an item subject to the minimum processing standards, SLD automatically returns the application to the applicant without considering the application for discounts under the program.⁹

4. By letter dated March 20, 2001, SLD notified Litchfield that its Funding Year 2001 application for discounts had been rejected for failure to meet minimum processing standards. Specifically: SLD found that Item 4a of Block 1, where an applicant must specify the address of the Billed Entity, failed to indicate the state abbreviation.¹⁰ Litchfield appealed the rejection to SLD, submitting a corrected page that included the state information.¹¹ SLD denied the appeal, finding again that the original FCC Form 471 did not meet minimum processing standards because of the absence of the state in the specified address block, and finding that the

⁴ 47 C.F.R. §§ 54.502, 54.503

⁵ Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (October 2000) (Current Form 471).

⁶ 47 C.F.R. § 54.504(b); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 13 FCC Rcd 8776, 9078, para. 575 (1997) (*Universal Service Order*), as corrected by *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata, FCC 97-157 (rel. June 4, 1997), *affirmed in part*, *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (affirming *Universal Service First Report and Order* in part and reversing and remanding on unrelated grounds), *cert. denied*, *Celpage, Inc. v. FCC*, 120 S. Ct. 2212 (May 30, 2000), *cert. denied*, *AT&T Corp. v. Cincinnati Bell Tel. Co.*, 120 S. Ct. 2237 (June 5, 2000), *cert. dismissed*, *GTE Service Corp. v. FCC*, 121 S. Ct. 423 (November 2, 2000).

47 C.F.R. § 54.504(b), (c); Current Form 471

⁸ See, e.g., SLD web site, Form 471 Minimum Processing Standards and Filing Requirements, <<http://www.sl.universalservice.org/reference/471mps.asp>> (*Minimum Processing Standards*).

⁹ *Minimum Processing Standards*.

¹⁰ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Todd Swanson, Litchfield School District 465, dated March 20, 2001, at 1

¹¹ Letter From Todd Swanson, Litchfield Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed March 27, 2001, at 1